

5 May 1988
OCA 88-1430

MEMORANDUM FOR THE RECORD

FROM: [redacted] Legislation Division
Office of Congressional Affairs

SUBJECT: Justice Views Letter on H.R. 3651 (Berman Bill):
Relaying Agency Views to OMB

1. On 5 May 1988, I spoke with Sue Thau, Legislative Analyst, Office of Management and Budget. I advised her that the Agency had no objection to the views letter of the Department of Justice on H.R. 3651, the "Antiterrorism and Arms Export Amendments Act of 1987" (Berman/Hyde).

2. In the letter, Justice finds unconstitutional the provisions of the bill which prohibit any action by the United States to further the acquisition of any arms, foreign or domestic, by a "terrorist" country. Justice asserts these provisions restrict the President's power to engage in diplomatic discussions, the ultimate result of which might be the acquisition of arms by a terrorist country, albeit indirectly. Because of this, Justice indicates it would recommend a veto of the bill were it to be presented in its present form to the President for signature.

3. I also noted that we had previously cleared off on the bill itself as reported out by the House Foreign Affairs Committee.

[redacted]

OCA/LEG [redacted] (5 May 1988)

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